

Appl. No.: 10/645,863
Response to Office Communication dated April 19, 2005

REMARKS

Applicants wish to thank the Examiner for the withdrawal of his objections under 37 CFR 1.75; the rejections of claims 1, 3, 7-10, 14, 15, 17-20, 22-27, 29-31, 38, 41, and 42 under 35 U.S.C. 112, first and second paragraphs; and the rejections of claims 1, 3, 7-10, 14, 15, 17-20, 22-24, 29-31, 38 and 42, under 37 U.S.C. 102(a) as being anticipated by Olek et al.

Further, Applicants wish to thank the Examiner and his SPE for courtesies extended during the in person/telephonic interview of April 27, 2005. During the interview, the claim rejections in the Office Communication of April 19, 2005, were discussed and the claim amendments herein generally suggested.

Without prejudice or disclaimer, independent claim 1 is herein amended to recite "specific identity," from blood sample of patients," and "wherein the specific identity of said more than 15 markers is not known." Support for the amendments can be found in the specification and original claims, as follows. Support for not knowing "specific identity" can be found, e.g., at pages 2-3, paragraph 0006, of the specification, which provides "without regard to the specific identity ..." and at page 4, paragraph 0013, which provides "it is not necessary to specifically identify all of the polypeptides indicated by the assay." "[F]rom blood samples of patients" finds support, e.g., at page 5, paragraph 0016, which provides "identifying patterns in blood or other patient samples," as well as at page 12, paragraph 0041, which provides "Samples collected are preferably bodily fluids such as blood" Thus, there is no issue of new matter with respect to the current claim 1 amendments.

Without prejudice or disclaimer, dependent claims 17-20 are also amended to recite "specific identity." These amendments find support in the specification as indicated above, and also present no issue of new matter.

With the entry of these amendments, claims 1, 3, 7-10, 14-15, 17-20, 22-27, 29-31, 38, 41, and 42 are currently under examination. Applicants earnestly request reconsideration and allowance of the pending claims under examination.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 3, 7-10, 14, 15, 17-20, 22-27, 29-31, 38, 41, and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Olek et al. with reference to Chambers et al., and in